

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF OHIO  
3                   WESTERN DIVISION AT DAYTON

5 NATALIE ISENSEE, :  
6 Plaintiff, :  
7 -vs- : CASE NO. 3:22-CV-370  
8 AMPLITY, INC., : JUDGE THOMAS M. ROSE  
9 Defendant. :

\* \* \* \* \*

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1                   QUICK REFERENCE INDEX

2                   WITNESS: BECKY O'LOUGHLIN

3

4                   DX    CX    RDX    RCX

5                   BY: MR. MATTHEWS                   4

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7

8                   PREVIOUSLY MARKED EXHIBITS

9

10	MARKED	PAGE
11	PLF'S:    4	33

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15                   INFORMATION REQUESTED

16

17                   PAGE

18                   BY: MR. MATTHEWS

19                   NOT APPLICABLE

20                   BY: MR. CAMPBELL

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22                   \* \* \* \* \*

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1                   A P P E A R A N C E S

2                   ON BEHALF OF PLAINTIFF (Via Zoom)

3                   Mr. Jason P. Matthews  
4                   Attorney at Law  
5                   Jason P. Matthews, LLC  
6                   130 West Second Street  
7                   Suite 924  
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9                   ON BEHALF OF DEFENDANT (Via Zoom)

10                  Mr. David A. Campbell, II  
11                  Attorney at Law  
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13                  600 Superior Avenue, East  
14                  Fifth Third Building, Suite 1300  
15                  Cleveland, Ohio 44114

16                  Mr. Eric Green  
17                  General Counsel  
18                  Amplity, Inc.  
19                  2080 Cabot Boulevard West  
20                  Suite 100  
21                  Langhorne, Pennsylvania 19047

22                  ALSO PRESENT (Via Zoom)

23                  Ms. Natalie Isensee

24                  \* \* \* \* \*

1                   COURT REPORTER: Do all counsel  
2 stipulate to me swearing the witness in  
3 remotely?

4                   MR. MATTHEWS: Yes.

5                   MR. CAMPBELL: Yes.

6                   WHEREUPON:

7                   BECKY O'LOUGHLIN,  
8 of lawful age, a witness herein, being first  
9 duly sworn as hereinafter certified, was  
10 examined and deposed as follows:

11                  CROSS EXAMINATION

12 BY MR. MATTHEWS:

13 Q. My name is Jason Matthews and I  
14 represent Natalie Isensee in a lawsuit that's  
15 been filed against Amplity.

16                  We're here today to take your  
17 deposition. I'm going to be asking you a  
18 series of questions and you will be  
19 testifying under oath just as if you were  
20 testifying in court.

21                  So I would like you to please  
22 state and spell your name for the record?

23 A. Becky O'Loughlin. B-E-C-K-Y, 0,  
24 apostrophe, capital L, 0-U-G-H-L-I-N.

25 Q. Thank you. And have you ever had

1           your deposition taken before?

2           A. I haven't, somehow.

3           Q. Well, you can only avoid these  
4           things for so long.

5           A. I guess. My turn.

6           Q. Yeah. So let me explain a little  
7           bit about the process and go over a few  
8           things that will hopefully help the process  
9           run smoothly this afternoon.

10          A. Sure, that would be great.

11          Q. So as I mentioned earlier, I'm  
12          going to be asking you a series of questions.  
13          And since you are testifying under oath, it  
14          is important to give a truthful, accurate,  
15          and complete response to my questions to the  
16          best of your ability.

17          A. Uh-huh.

18          Q. If you believe any of my questions  
19          implicate attorney/client privileged  
20          information, please let me know and we can go  
21          off the record and discuss that with your  
22          counsel before moving forward.

23                 It is necessary to give an  
24          audible response to my questions because  
25          things such as head nods or facial

1       expressions and things that we do in everyday  
2       conversation don't translate very well to a  
3       written record, and, Tina, our court  
4       reporter, is going to be taking down, taking  
5       down everything that's said on the record and  
6       preparing a written transcript.

7           A. I understand.

8           Q. Okay. And it's also important to  
9       try to use yes or no as opposed to huh-uh or  
10      huh-uh and similar things so that we have a  
11      clear written record.

12           If you do answer my questions or  
13      a question, I have the right to act and  
14      assume as though you understood what I was  
15      asking. So if you don't understand my  
16      question, please let me know. If you don't  
17      hear part of the question or we have a  
18      technical issue, please let me know and I'm  
19      happy to back up and ask another question or  
20      maybe ask a better question.

21           If you need a break at any point  
22      during the deposition, please let me know and  
23      we'll go off the record and take a break, but  
24      I will most likely ask you to answer the  
25      question that's on the table before we break.

1                   Finally, it's important for me  
2 to allow you to finish your answer before I  
3 start my next question, and for you to allow  
4 me to finish my question before you start  
5 your answer even if you know where I'm going  
6 with the question, again, just so that we are  
7 not talking over one another and we have a  
8 clear written record, okay?

9                   A. Yes.

10                  Q. Can you think of any reason why you  
11 would be unable to answer my questions  
12 truthfully and accurately this afternoon?

13                  A. No.

14                  Q. Okay. All right. Are you  
15 currently employed?

16                  A. Yes.

17                  Q. And by whom are you employed?

18                  A. Chatham Financial.

19                  Q. And how long have you been with  
20 Chatham Financial?

21                  A. Since about last July, August.  
22 Last August.

23                  Q. And that would be August of 2023?

24                  A. Yes.

25                  Q. And what is your position with

1           Chatham Financial?

2           A.     Chief people officer.

3           Q.     And prior to being employed with  
4           Chatham Financial, were you employed with  
5           Amplity?

6           A.     Yes.

7           Q.     And what was your position with  
8           Amplity?

9           A.     Also chief people officer.

10          Q.     And how long did you -- well, let  
11         me back up. Did you hold any other positions  
12         during the course of your employment with  
13         Amplity?

14          A.     No.

15          Q.     When did you begin your employment  
16         with Amplity?

17          A.     December of 2019.

18          Q.     And with respect to your position  
19         as chief people officer, what were, you know,  
20         just generally, what were your job duties or  
21         responsibilities?

22          A.     I led the people strategy for the  
23         organization, led the people team, so I had  
24         team members that were responsible for talent  
25         acquisition, training, our HR partner team,

1       operations, total rewards, benefits and  
2 compensation.

3           Q. And with respect to -- so coming in  
4 in December 2019, that had to be good timing  
5 to start a new position, so at some point  
6 soon after you began your employment with  
7 Amplity did Amplity have to implement some  
8 strategies to deal with the COVID-19  
9 pandemic?

10          A. Yes.

11          Q. And with respect to those  
12 strategies, did one of those strategies  
13 include sales representatives working  
14 remotely beginning in August -- or, I'm  
15 sorry, beginning in March of 2020?

16          A. Yes.

17          Q. Did any of those strategies involve  
18 employees social distancing from one another?

19          A. Yes.

20          Q. Did any of those strategies involve  
21 employees wearing facial coverings?

22          A. Yes.

23          Q. Did any of those strategies involve  
24 employees testing for -- or Amplity testing  
25 employees for COVID-19?

1           A.     Amplity? Just to make sure I  
2 understand the question, whether Amplity  
3 actually did the testing for them?

4           Q.     Yeah. Or Amplity required that  
5 employees be tested for COVID-19.

6           A.     Yes, I believe so.

7           Q.     Did any of those strategies involve  
8 Amplity using staggered work schedules?

9           A.     I don't recall.

10          Q.     And with respect to the COVID-19  
11 vaccine, it's my understanding that in the  
12 fall of 2021 that Amplity made a decision to  
13 require all employees who served in  
14 customer-facing positions to be vaccinated  
15 against COVID-19, is that accurate?

16          A.     Yes, those that their job  
17 requirement was to go in and out of  
18 healthcare facilities, providers, in person.

19          Q.     And were you involved in  
20 formulating this policy which required  
21 employees to be vaccinated?

22          A.     Yes.

23          Q.     And was anybody else involved in  
24 formulating the vaccination policy?

25          A.     We -- Eric Green, our chief legal

1       counsel, was involved in that. It was --  
2       there were other team members that were part  
3       of the process, HR partners that were on the  
4       ground with employees, but I would say the  
5       policy itself primarily was developed between  
6       Eric, myself, and probably the chief medical  
7       officer who was on staff at the time.

8           Q. And who was the chief medical  
9       officer at the time?

10          A. Torben Colberg.

11          Q. And with respect to the policy, do  
12       you know when, when you began formulating  
13       that policy with Mr. Green and the chief  
14       medical officer?

15          A. When we started to talk about it or  
16       when we actually -- you were accurate in  
17       saying fall of 2021 is when we communicated  
18       it, so, you know, in some period of time, I  
19       don't have the exact date.

20          Q. Okay. And how was it determined  
21       whether an employee's position would or would  
22       not require them to receive the vaccine?

23          A. If you were in -- required to be in  
24       person, and in person, this was  
25       client-facing, so individuals that were going

1           into healthcare providers, healthcare  
2         facilities, there was a requirement for those  
3         that were going to be operating in person in  
4         those types of environments.

5           Q.    Okay. And I'm going to -- I don't  
6         really think that we need to go through the  
7         documents themselves. I do have some  
8         documents, and one of them indicates that it  
9         was announced on October 5th of 2021 that  
10        employees in these customer-facing positions  
11        would be required to be vaccinated; does that  
12        timeframe generally sound accurate to you?

13           A.    Generally it sounds accurate. And  
14         just for clarification, that was when we  
15         communicated the intent. That wasn't  
16         obviously when it was -- it wasn't a  
17         requirement immediately.

18           Q.    Okay. And at that time was it also  
19         communicated that if an employee was unable  
20         to be vaccinated due to a religious reason  
21         that the employee could request an  
22         accommodation?

23           A.    Yes.

24           Q.    And do you recall receiving an  
25         accommodation request from an employee by the

1                   name of Natalie Isensee?

2                   A. I don't.

3                   Q. And did you serve on a review board  
4                   that reviewed religious accomodation  
5                   requests?

6                   A. I did.

7                   Q. And who else served on that review  
8                   board?

9                   A. Eric Green and Torben Colberg.

10                  Q. And was there just this one review  
11                  board for all employees of Amplity?

12                  A. Yes.

13                  Q. And with respect to the review  
14                  board, did the review board, to your  
15                  recollection, approve any employees who are  
16                  customer-facing to work without receiving the  
17                  COVID-19 vaccine? And just for  
18                  clarification, to continue working in their  
19                  customer-facing position without receiving  
20                  the COVID-19 vaccine?

21                  A. Without -- I don't recall.

22                  Q. Okay. And do you recall an  
23                  employee by the name of Ms. McAndrews who  
24                  worked with some -- who was a liaison  
25                  between, between the review board and the

1 employees requesting accommodations as --  
2 serving in an HR business partner role?

3 A. Yes, Karen McAndrews, and she was a  
4 part of my team.

5 Q. Okay. And did Ms. McAndrews, did  
6 she handle all communications between the  
7 review board and employees, or at least  
8 certain employees, or did -- well, let me  
9 just strike that question. As a member of  
10 the review board, did you communicate with  
11 any employees directly regarding their  
12 accomodation requests?

13 A. No.

14 Q. Do you know whether Mr. Green  
15 communicated with any employees directly  
16 regarding their accomodation requests?

17 A. I don't know.

18 Q. Do you know whether any -- whether  
19 the chief medical officer communicated with  
20 any employees directly regarding their  
21 accomodation requests?

22 A. I don't know. It would not have  
23 been part of the process.

24 Q. Okay. Could you explain how the  
25 process worked based on your recollection?

1           A. Yeah. So we communicated the  
2 process to all employees for filing a request  
3 or an exemption, and, or accomodation. And  
4 anyone that followed that process and  
5 submitted one, all of them would come to the  
6 review board.

7           They would be presented to us  
8 through the HR team, including Karen  
9 McAndrews who you mentioned. And we were  
10 really looking to see how we could support  
11 them in remote positions, that was kind of  
12 the ultimate accomodation was to be able to  
13 support them in a remote role. So we would  
14 make sure that -- we wanted to make sure that  
15 we were -- every request that came forward  
16 was consistent with the requirements that we  
17 outlined. So once we kind of would determine  
18 that, really most of the discussion was  
19 around the time that we were spending trying  
20 to accommodate based on remote positions that  
21 we had.

22           Q. Okay.

23           A. And remote opportunities.

24           Q. Okay. Was there any consideration  
25 as to how the employee could continue working

1       in their current customer-facing role in a  
2       safe manner?

3           A.    Can you elaborate?

4           Q.    Sure. So, for example, if I was  
5       unable to receive the vaccine, you testified  
6       I believe that you were looking to whether or  
7       not there were any other remote roles that I  
8       could transition into, but did you consider  
9       whether I could continue working in my  
10      current customer-facing role in a way that --  
11      without receiving the vaccine in any way; for  
12      example, using a mask or testing every day or  
13      anything of that nature?

14          A.    I recall our focus was on the  
15       requirement as holding true to the  
16       requirement for the vaccination. And we had  
17       to determine if we could accommodate that  
18       exemption again through remote positions.

19           There was I believe a period of  
20       time because we had given two to three months  
21       for any individual that was in a position  
22       that would require a vaccination, we gave  
23       them two to three months to work through  
24       that, get their vaccination, and/or go  
25       through this process with us.

1                   We did at one point grant a  
2 two-month extension that was -- with a focus  
3 of helping to continue to find remote work,  
4 but it was only for those two months, it was  
5 a short-term accomodation where they were  
6 tested weekly for those two months. But that  
7 was the only time.

8                  Q. Okay. And what period of time was  
9 that extension granted, if you recall?

10                 A. Yeah, I, I'm not a hundred percent,  
11 but just to talk in general terms, I believe  
12 that we communicated in October and that the  
13 requirement for vaccination, we required that  
14 for December 1st. I believe that it was  
15 December and January were the two months, or  
16 in and about that timeframe. It would have  
17 soon followed when that requirement was  
18 mandated.

19                 Q. And how was it determined whether  
20 an employee would be granted that two-month  
21 grace period or be terminated in December?

22                 A. I don't recall.

23                 Q. So with respect to your efforts to  
24 try to find a fully remote position -- and  
25 when you say fully remote position, this

1       would be a position other than what the  
2       employee was serving in, is that correct, if  
3       they were, if they were -- for example, if  
4       they were hired into a customer-facing  
5       position, they were working in a  
6       customer-facing position and then they  
7       requested a reasonable accomodation, then the  
8       accomodation that was being sought was a  
9       fully remote position, is that accurate?

10      A.     Correct.

11      Q.     Okay.

12      A.     Correct.

13      Q.     And what steps did the review board  
14     take to determine whether an employee's  
15     religious exemption was based on a sincerely  
16     held religious belief?

17      A.     I wouldn't say that we took any  
18     steps. I would say that we were clear in our  
19     expectation of what would be required to,  
20     like to -- you know, for proof of what -- for  
21     their request. But we did not use the time  
22     as a review board to verify that in any way,  
23     that wasn't, that wasn't our focus. Our  
24     focus was to ensure that we were following  
25     our process consistently and that we

1       understood what some of those potential  
2       accommodation opportunities would be.

3           Q. Okay. Going back to the issue  
4       of the sincerely held religious belief, were  
5       there certain factors that the review board  
6       was looking at to determine whether an  
7       employee did or didn't have a sincerely held  
8       religious belief?

9           A. Again, I don't remember the  
10      details, I just do remember that that was not  
11      a focus. We weren't using that time to  
12      qualify whether they were sincerely held.  
13      I -- there may have been times where we had  
14      some follow-up or we, you know, maybe asked  
15      for additional information to make sure that  
16      they, they met the requirements of the  
17      process that we were following, but that was  
18      it.

19           Q. Do you recall whether any employees  
20      were denied an accommodation because the  
21      review board found that they did not possess  
22      a sincerely held religious belief?

23           A. I don't.

24           Q. And when I say denied an  
25      accommodation, that they weren't granted the

1                   accomodation that they had requested to be  
2                   exempt from receiving the COVID-19 vaccine.

3                   A. Wait, maybe I misunderstood your  
4                   question. Can you repeat the question?

5                   Q. Sure. Yeah. So do you recall  
6                   whether any employees were denied the  
7                   opportunity to continue working in their  
8                   customer-facing position without receiving  
9                   the COVID-19 vaccine because the review board  
10                  determined that the employee did not have a  
11                  sincerely held religious belief?

12                  A. Again, that was -- no. That was  
13                  not our focus.

14                  Q. With respect to the review board,  
15                  how did the review board communicate its  
16                  decision regarding an accomodation request to  
17                  an employee?

18                  A. The review board was not  
19                  responsible for communicating to the  
20                  employee. The employees were in direct  
21                  contact with an HR partner, and the HR  
22                  partner was the individual that was working  
23                  directly one-on-one with those that had  
24                  submitted these requests, and working with  
25                  them to find if -- to find out if there was a

1 potential for a remote position that would  
2 support them.

3 Q. Okay. How did the review board  
4 communicate its decision regarding employee  
5 accommodations to the appropriate HR business  
6 partner?

7 A. A member of the business partner  
8 team would be -- would join the review board.  
9 So they would bring to us the individuals  
10 that had submitted these requests.

11 Q. Okay. And then, and then you as  
12 the review board, how would you communicate  
13 your decisions to the HR business partner  
14 that was responsible --

15 A. They were --

16 Q. Oh, I'm sorry -- for communicating  
17 to the employee?

18 A. They were part of the meeting  
19 itself. So, again, there were multiple  
20 meetings, so there was always a  
21 representative from that team there, so it  
22 would be communicated through the person who  
23 was part of the HR team, they would take that  
24 back.

25 Q. Okay.

1           A.    We never met just the three of us,  
2    it was never just Eric, Torben, and myself.  
3    It was the three of us and then someone from  
4    the HR partner team that would bring the  
5    request forward to review with us.

6           Q.    Okay. So, for example, if Ms.  
7    McAndrews -- I'm sorry. If Ms. Isensee was  
8    working with Ms. McAndrews regarding her  
9    request for an accomodation, then Ms.  
10    McAndrews would have been sitting with the  
11    review board when Ms. Isensee's accomodation  
12    request was reviewed by the review board?

13          A.    It would either have been Ms.  
14    McAndrews or her boss, or each of them. I  
15    wouldn't remember that level of detail to  
16    know if whoever was in conversation with the  
17    employees would be the exact person in the  
18    room. There were many meetings I wouldn't be  
19    able to remember that level of detail.

20          Q.    Okay.

21          A.    But Ms. McAndrews and her boss  
22    worked very closely together and one or both  
23    of them would be a part of those discussions.

24          Q.    And do you recall who Ms.  
25    McAndrews' boss was at that time?

1           A.     Erica Smith.

2           Q.     And throughout the accomodation  
3     request process did you have any  
4     communications with Natalie Isensee?

5           A.     No.

6           Q.     Did you have any communications  
7     with Ms. Isensee's pastor, Darin Bolden?

8           A.     No.

9           Q.     Did you ever request that Ms.  
10    McAndrews have any specific communications  
11    with Ms. Isensee regarding any of her  
12    accomodation requests?

13          A.     Can you repeat the question?

14          Q.     Yeah. Did you at any point request  
15    that Ms. McAndrews communicate anything to  
16    Ms. Isensee regarding her accomodation  
17    requests?

18          A.     I don't recall, but if she -- there  
19    would be an assumption if she was the HR  
20    partner working with her, that they would  
21    have communication with each other.

22          Q.     Do you specifically, though,  
23    remember communicating anything to Ms.  
24    McAndrews about Ms. Isensee's accomodation  
25    requests?

1           A. I don't recall.

2           Q. Do you recall how many  
3           accommodation -- I'm sorry. Do you recall how  
4           many religious accommodation requests that you  
5           received from Amplity employees?

6           A. I don't recall.

7           Q. Do you recall whether any of those  
8           religious accommodation requests were granted?

9           A. The -- my understanding and  
10          recollection is if there -- if -- if there  
11          was an opportunity for the individual to work  
12          remotely.

13          Q. Okay. And you don't know as you  
14          sit here today whether there were or there  
15          weren't any opportunities for any employees  
16          who made religious accommodation requests to  
17          work remotely?

18          A. I do know that we were able to find  
19          some remote. I don't remember any of the  
20          numbers. And, honestly, it wasn't about  
21          which type of accommodation it was, it was  
22          about whether there was an opportunity for  
23          the individuals to work remotely.

24          Q. Okay. Now, at the time that Ms.  
25          Isensee requested her accommodation, do you

1 know whether she was working in person or  
2 meeting with, with customers or healthcare  
3 providers in person?

4 A. I don't know. I don't recall.

5 Q. And do you know whether or not any  
6 of her customers or clients required  
7 vaccination of their employees?

8 A. I don't recall. I didn't -- I  
9 don't know the details of the request or  
10 where -- and which client she was working  
11 for.

12 Q. Okay. Did you have any  
13 communications with anybody from a company by  
14 the name of Organon?

15 A. Ever or --

16 Q. Concerning, concerning Ms.  
17 Isensee's religious accomodation request.

18 A. I, I don't recall. I don't think  
19 so. I don't recall.

20 Q. Did you have any discussions with  
21 anybody from Organon regarding their  
22 vaccination policy for COVID-19?

23 A. I don't recall.

24 Q. Do you know whether or not any of  
25 the healthcare facilities in which Ms.

1       Isensee was required to go into as part of  
2       her job regarded -- I'm sorry -- required  
3       employees such as her to be vaccinated in  
4       order for credentialing purposes?

5           A. I don't recall.

6           Q. With respect to accomodation  
7       requests generally, were there any steps that  
8       were taken to verify whether an employee had  
9       a sincerely held religious belief?

10          A. I don't recall specifically.

11          Again, I'll just restate what I said earlier.  
12       We had general requirements and I do remember  
13       there being some follow-up for some of the  
14       requests that came through, whether we just  
15       needed more specificity or wanted to make  
16       sure it was consistent in terms of the type  
17       of information, you know, that we'd ask of  
18       all. And it was really more of about making  
19       sure we had the same consistent level of  
20       information across, across all the requests  
21       that came in.

22          Q. Okay. All right. I'd like to go  
23       ahead and just take a short break, about a  
24       five-minute break, and then we'll pick up  
25       from there, okay?

**1** A. Yeah.

2 | (WHEREUPON, a discussion was

3 held off the record.)

4 BY MR. MATTHEWS:

5 Q. With respect to Ms. Isensee's, the  
6 information Ms. Isensee submitted to the  
7 review board, did any of that information  
8 indicate that she really didn't have a  
9 sincerely held religious belief or that she  
10 admitted that she didn't have a sincerely  
11 held religious belief?

12                   A. I don't recall any of the details  
13 of her case specifically.

14 Q. Okay. And do you know of any  
15 circumstances where it was determined that an  
16 Amplity employee had transmitted COVID-19 to  
17 another Amplity employee?

1                   THE WITNESS: Can you repeat the  
2 question again?

3 BY MR. MATTHEWS:

4 Q. Sure.

5 A. Do I know if there was a spread of  
6 COVID between employees, is that what you're  
7 asking?

8 Q. Right. Right. Are you aware of  
9 any specific situations in which one Amplity  
10 employee transmitted COVID-19 to another  
11 Amplity employee?

12 A. I don't recall.

13 Q. Are you aware of any situations in  
14 which an Amplity employee transmitted  
15 COVID-19 to a customer or a provider that --

16 MR. CAMPBELL: I'm not going  
17 there. I mean, come on. We're, we're not  
18 going to that one, so --

19 MR. MATTHEWS: Well, it is  
20 relevant because, you know, any -- it's  
21 relevant to whether or not Amplity's decision  
22 was based on speculation or based on fact.

23 MR. CAMPBELL: So I guess you're  
24 challenging the CDC guidelines, and I'm happy  
25 to let you go and do that all you'd like

1       about the six-foot -- saying that there  
2       shouldn't be a six-foot rule and all that. I  
3       appreciate your argument. But for us to go  
4       into other employees, number one, that aren't  
5       part of this; number two, that would be  
6       health information; number three, it would be  
7       involving a third party with it; and number  
8       four, when you're doing the tracing there is  
9       no setting DNA and verifying, you do the  
10      tracing to try to determine who should get  
11      notice as to it. And you've been through  
12      that process. So I'm not letting somebody  
13      answer under oath as to that. We traced as  
14      every employee was mandated to do, but you  
15      never knew exactly who got it or where.

16                    MR. MATTHEWS: And -- well, let  
17      me just ask that question.

18                    MR. CAMPBELL: I'm not going to  
19      let her answer it. You can take it to the  
20      court. I don't think it's appropriate to ask  
21      that question. You can argue to the court  
22      that you think the CDC guidelines were  
23      nonsense, I mean, you can argue that all  
24      you'd like.

25                    MR. MATTHEWS: I don't

1 anticipate to argue that the CDC guidelines  
2 were nonsense. I do anticipate that I will  
3 argue that, you know, Amplify was basing some  
4 decisions on speculation.

5 So with respect to -- well,  
6 we'll just keep things open with respect to  
7 that issue and move forward if that's in  
8 agreement?

16 BY MR. MATTHEWS:

17 Q. Did the review board make any  
18 inquiry into Ms. Isensee's vaccination  
19 history?

20                   A. I don't recall the specifics of her  
21 case.

22 Q. Did the review board request any  
23 additional documents from Ms. Isensee prior  
24 to denying her religious accomodation  
25 request?

1           A. I will just repeat my answer. I  
2 don't recall the specifics of Ms. Isensee's  
3 case.

4           Q. Understanding that you don't recall  
5 the specifics of Ms. Isensee's case, do you  
6 know whether the review board offered any  
7 employees who had requested accommodations  
8 and who had not be transitioned into a fully  
9 remote position, unpaid leave, as a  
10 reasonable accomodation?

11          A. I don't recall.

12          Q. Did the review board consider how  
13 much money it would cost Amplity in order to  
14 allow Ms. Isensee to work without being  
15 vaccinated against COVID-19?

16          A. Can you repeat the question? Is it  
17 something specific to her, her individual  
18 request?

19          Q. It is something specific to her  
20 individual request.

21          A. I don't recall.

22          Q. Okay.

23          A. Although I don't -- the beginning  
24 of the question about how much money  
25 something was, I don't remember that being a

1 part of our process.

2 Q. All right. And let me just, let me  
3 just ask just to make sure that it's clear.  
4 Did Amplity consider the cost of -- the  
5 economic cost of allowing employees to work  
6 without receiving the COVID-19 vaccine as  
7 part of determining whether an employee could  
8 be accommodated for religious reasons?

9 A. Economics had absolutely nothing to  
10 do with any decision that we made.

11 Q. Do you know whether Ms. Isensee  
12 proposed weekly COVID-19 testing as a  
13 reasonable accomodation for her request to  
14 work without receiving the COVID-19 vaccine?

15 A. I don't recall any specifics of her  
16 request.

17 MR. CAMPBELL: Jason, if all  
18 you're going to do is continue to ask her  
19 questions about Ms. Isensee, she's said it I  
20 think 25 times now.

21 MR. MATTHEWS: Okay. Now, let's  
22 just go ahead and go off the record. I'll  
23 review my notes. I think we're getting  
24 pretty close to wrapping up.

25 MR. CAMPBELL: Okay.

3 (WHEREUPON, previously marked  
4 Deposition Exhibit 4 was shown to the  
5 witness.)

6 BY MR. MATTHEWS:

7 Q. Ms. O'Loughlin, I'm going to share  
8 my screen with you and ask you to take a look  
9 at a document that's been marked as  
10 Plaintiff's Exhibit No. 4. These are the  
11 same set of documents that were used for the  
12 previous deposition.

13 I'm going to scroll down. This  
14 is a document that's been marked as  
15 Plaintiff's Deposition Exhibit No. 4, and it  
16 appears to be an email from Karen McAndrews  
17 to Natalie Isensee dated November 24th, 2021,  
18 at 11:49 a.m.

19 And I just want to direct your  
20 attention to this entry, it's the first  
21 bullet point under the entry that states: On  
22 11-12, I notified you of Amplity's inability  
23 to accommodate your request for exemption in  
24 your current role and reviewed the following  
25 information.

1           A. Uh-huh.

2           Q. And that bullet point states: To  
3       be eligible for an exception, you must first  
4       establish that your refusal to be vaccinated  
5       is based upon a sincere belief that is  
6       religious in nature. At any time -- or, I'm  
7       sorry. At that time, the exemption review  
8       board did not believe this criteria was met.

9                  Does that refresh your  
10      recollection at all as to whether the review  
11      board did or did not consider Ms. Isensee's  
12      accommodation request to be religious in  
13      nature?

14           A. Again, from what I said earlier, I  
15       don't remember the specifics of, of her case.  
16       But I do recall there were times that we  
17       followed up for additional questions, with  
18       additional questions, and if anything it was  
19       just to ensure that the consistency across  
20       the requests that came through were met. It  
21       was more about what we'd asked for for them  
22       to provide.

23                  So from a process perspective, I  
24       do remember there were, there were some  
25       requests that came through that we went back

1 and asked for additional information.

2 Q. Do you know if the review board  
3 denied any accomodation requests because they  
4 did not determine that the employee had a  
5 sincere religious belief?

6 A. Again, and I think it's explained  
7 kind of in the next paragraph, that it really  
8 was more focused on the role and whether we  
9 were able to accommodate the role remotely.

10 Q. All right.

11 MR. MATTHEWS: I have no further  
12 questions. Thank you.

13 MR. CAMPBELL: I don't have any  
14 questions for her. Becky, you get the right  
15 to read if it was ordered. I would suggest  
16 you don't waive that right. Doesn't mean you  
17 have to read it, but you typically retain it.  
18 So if you just state that you won't, won't  
19 waive it.

20 THE WITNESS: I won't waive it.

21 MR. CAMPBELL: Other than that,  
22 I think we're all set.

23 (WHEREUPON, deposition concluded

24

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36

1 at 2:58 p.m.)  
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BECKY O'LOUGHLIN

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## C E R T I F I C A T E

STATE OF OHIO  
SS:  
COUNTY OF MONTGOMERY

I, Tina M. Shell, the undersigned, a Registered Professional Reporter, and Notary Public within and for the State of Ohio, do hereby certify that before the giving of aforesaid deposition, said BECKY O'LOUGHLIN, was by me first duly sworn to depose the truth; the whole truth, and nothing but the truth; that the foregoing is the deposition given at said time and place by said BECKY O'LOUGHLIN; that said deposition was taken in all respects pursuant to the agreement and stipulations of counsel hereinbefore set forth; that said deposition was taken in stenotypy by the court reporter and transcribed into typewriting under her supervision; that the transcribed deposition is to be submitted to the witness for her examination and signature; the court reporter is neither a relative of nor attorney for any of the parties to the case, nor relative of nor employee for any of the counsel, has no interest whatsoever in the result of the action, and am not, nor is the court reporting firm for which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I herein set my hand  
and official seal of office this 3rd day of  
April, 2024.

My commission expires /s/ Tina M. Shell  
March 26, 2026 Tina M. Shell  
Notary Public, State of Ohio

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